



New Jersey Department of Children and Families Policy Manual

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Eligibility Requirements for Title IV-E/FC

2-8-2010

Federal requirements are used to determine whether a child is both eligible and reimbursable. A child meeting all of the requirements listed below is eligible for Title IV-E/FC.

- A. Age** - All children under the age of 18 meet the age criteria. An otherwise eligible child, over the age of 18, must be attending school, including high school, a GED program, an alternative high school, or a vocational or technical training school. A child over the age of 18 and attending school is eligible until age 19 or the end of the month in which the child leaves school, whichever occurs first.
- B. Deprivation** - Deprivation is found when a child does not have parental support or care due to the following:
- A parent's death;
 - A parent's physical or mental incapacity (as supported by competent medical testimony);
 - A parent's continued absence from the home; or
 - A parent's unemployment or underemployment.

Birth or adoptive parents are considered. Only one of a child's two parents must meet this criterion in order for the child to be determined "deprived."

- C. U.S. Citizenship/Qualified Alien** - The child must be determined to be a U.S. Citizen or Qualified Alien. This determination is made based upon a review of the individual's legal documents, such as: birth certificate, Social Security card, green card, passport, school or medical records, etc. Note: DCF policy is to serve those in need of services provided by the Department, regardless of citizenship

or immigration status. When determining eligibility for Title IV-E benefits, however, Federal eligibility and reimbursement guidelines apply.

D. Income - The financial need determination includes a two-step income test and an asset test. (See CP&P Form [10-5fc](#), Attachment, AFDC Financial Need Determination.) The income standard is met if either of the following existed during the month in which the voluntary placement agreement was signed or the court order to remove the child was initiated (i.e., when the petition or complaint was filed):

- The child was AFDC eligible or would have been eligible, and lived in the parent's or specified relative's home; or
- The child had lived with the AFDC-eligible parent or specified relative from whom removed in any of the six months prior to removal. See definition of constructive removal.

E. Assets - The combined countable assets immediately available to the AFDC group (i.e., persons living together as a family) or individual being assessed for AFDC eligibility cannot exceed \$10,000. See CP&P Form [10-5fc](#).

Note: A child's parents are legally responsible for reimbursing CP&P for the child's out-of-home placement maintenance expenses (see [CP&P-IX-F-1-225](#)). If a child is eligible for benefits under a Federal government program, CP&P may apply to be representative payee for the period of time the child is in a CP&P supported placement. See [CP&P-IX-F-1-250](#), Federal Benefits, and [CP&P-III-C-2-400](#), Supplemental Security Income. The maintenance costs submitted on the Division's Title IV-E/FC claim are reduced by the amount of the payments CP&P collects from legally responsible persons and/or government benefits on behalf of Title IV-E/FC eligible children.

F. Judicial Determinations for Court Ordered placements - When a child is removed from the home, two judicial determinations are required:

1. That out-of-home placement is in the child's best interests. This determination must be made in the first court order that sanctions the child's removal from the home. If this determination is not made in the first court order pertaining to the removal, the child is not eligible for the duration of the placement episode; and
2. That reasonable efforts to prevent removal were made or were not required. This determination must be made no later than 60 days from the date of the child's removal from the home. If this determination is not made, the child is not eligible for the duration of the placement episode.

These determinations must be made by a judge, must be child-specific, and may not merely reference State statutes pertaining to removals.

- G. Exception** - If the child entered placement prior to March 27, 2000, a "contrary to welfare" or "best interest of the child" judicial determination may satisfy this requirement, if issued within six months of the removal. The reasonable efforts to prevent removal or to reunify the child and family determination can be obtained any time subsequent to the removal; however, the child is not claimable under Title IV-E/FC until such determination is made.

Appropriate court orders for meeting Title IV-E/FC judicial determination requirements include:

- Child protective services;
- Juvenile family crisis;
- Custody orders; and
- Orders authorized by the Child Placement Review Act.

The court order may initiate or continue the placement.

Obtain a copy of the court order as proof of judicial determination. A transcript of the court proceeding is the only acceptable alternative to obtaining a copy of the order.

Court orders indicating a child will receive services in his or her own home do not meet Title IV-E judicial determination requirements.

A child placed pursuant to a voluntary placement agreement may also be determined Title IV-E eligible if:

- The agreement is signed by the parents or legal guardians and a State agency representative.
- A judicial determination to the effect that continued placement is in the best interests of the child is made within 180 days of placement. If this determination is not made within that time frame, the child's eligibility for Title IV-E ceases on the 181st day.
- All other eligibility requirements are met.

Note: Pursuant to the Fostering Connections for Success and Increasing Adoptions Act (FCSIAA) of 2008, when a child is placed with a sibling who is residing with a kinship legal guardian who meets Title IV-E KLG requirements,

the child being placed is eligible for Title IV-E benefits under KLG. The siblings do not have to be placed simultaneously. (Complete CP&P Form [10-5](#) KLG, Title IV-E KLG Assistance Eligibility Determination, to document the determination for eligibility.) See [CP&P-IV-F-1-200](#).

Licensing Requirement for Title IV-E Foster Care

12-3-2007

The child must be living in a placement licensed by the DCF Office of Licensing. Acceptable types of licensed placements are:

- Resource family home;
- Shelter;
- Group home;
- Residential treatment facility or public institution with a maximum capacity of 25 children.

Public institutions with a capacity greater than 25 are not eligible for Title IV-E/FC reimbursement. Children who are placed out of state must reside in homes licensed or approved by their state of residence. File a copy of the license or approval, whichever is that state's standard, in the Title IV-E eligibility file.

Note: Maintenance costs for children placed in independent living are not Title IV-E reimbursable.

Procedures for Determining Initial Title IV-E/Foster Care Eligibility

12-3-2007

Within five working days of placing a child out of home, the Worker notifies the Title IV-E Unit that an out-of-home placement has occurred. The Worker provides the Local Office Title IV-E point person with the following documents to create a Title IV-E packet for the child:

- The court order for placement or signed Voluntary Placement Agreement (CP&P Form [25-59](#) or [10-8](#));
- The Notice of Placement (CP&P Form [5-47](#)); and
- Documents proving the child is either a U. S. Citizen or Qualified Immigrant.

The Title IV-E Reviewer makes the Title IV-E determination using CP&P Form [10-5fc](#), Title IV-E Foster Care Eligibility Initial Determination, and the CP&P Form [10-5fc](#)

Attachment, AFDC Financial Need Determination. A child meeting the requirements for Title IV-E benefits is "certified" as eligible.

Redetermination of Title IV-E/Foster Care

12-3-2007

All children receiving Title IV-E/FC benefits must have their eligibility re-determined no less frequently than once every 12 months in accordance with Federal requirements. Redetermination is done by the Title IV-E Reviewer using the CP&P Form [10-6fc](#), Title IV-E Foster Care Eligibility Redetermination (accessible in the NJ SPIRIT Redetermination tab/screen), and the CP&P Form [10-6fc](#) Attachment. The Title IV-E Reviewer also conducts a redetermination anytime he or she is notified of a change in the child's situation which could impact the child's eligibility status.

In addition, a judicial determination must be made that reasonable efforts to finalize a permanency plan were made no later than 12 months after the date of placement. Thereafter, the judicial determination must be made at least once every 12 months while the child is in resource family care. Judicial determinations must be child specific; a transcript of the court proceeding is the only acceptable documentation in the absence of a copy of the court order in the case record.

Note: If the judicial determination is not timely, the child becomes ineligible from the end of the month that the determination is due to the first of the month in which the determination is made. (For a removal prior to March 27, 2000, the judicial determination must have occurred by March 21, 2001 and at least once every 12 months thereafter while the child is in out-of-home placement.)

Title IV-E Foster Care Termination Guidelines

9-8-2009

A child's Title IV-E/FC eligibility continues until one of the following occurs:

Circumstance	When Eligibility Ends
The child is returned home and the Division no longer has responsibility for care and custody. (End of Placement Episode)	Eligibility ends the day the child left placement.
The child enters a KLG placement or is adopted.	Eligibility ends the date of the KLG court order or the date adoption is finalized. Note: The Title IV-E Reviewer determines if the child is eligible for Title IV-E Adoption Assistance or Title IV-E KLG assistance.
The child turns 18 and is no longer attending school.	Eligibility ends the last day of the month in which the child turned 18.
An 18 year old who is reenrolled in school graduates, or otherwise leaves school, prior to turning age 19.	Eligibility is the last day of the month in which the child attended school.
An 18 year old who is enrolled in school	Eligibility ends the date the child turns 19.

turns 19.	
If, after 180 days of out-of-home placement by voluntary placement agreement or court ordered removal, there is no court order/judicial determination, or if the court order which does exist does not contain required language.	Eligibility ends on the 181 st day.

Transfer of a IV-E Eligible Child to a IV-E Tribal Authority or Indian Tribe with a IV-E Agreement 6-17-2013

Upon determination by a court that responsibility for the care and placement of a child, who is a member of a recognized native American Indian Tribe or the biological child of a member of a recognized native American Indian Tribe, and eligible for membership in such tribe, should be transferred to a directly funded Title IV-E Tribal Authority or to a tribal authority with a Title IV-E agreement with a State authority, CP&P shall:

- Ensure that a determination of Title IV-E eligibility for the child under [CP&P-IV-F-1-300](#) is completed prior to transfer.
- Provide to the receiving tribal authority all documents and information necessary to continue the child's eligibility for benefits under Title IV-E and Medicaid programs under Title XIX, including, but not limited to:
 - All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable effort to prevent placement have been made;
 - Other documentation the State agency has that relates to the child's Title IV-E eligibility;
 - Information and documentation available to the agency regarding the child's eligibility or potential eligibility for other Federal benefits;
 - The case plan, including copies of the child's health and education records; and
 - Information and documentation of the child's out-of-home placement settings to date, including a copy of the most recent provider's license or approval.

Where transfer is to be made to a Title IV-E tribal authority outside of New Jersey, the requirements and procedures of the Interstate Compact on the Placement of Children (ICPC) shall be adhered to. See Volume VIII, Subchapter D on Interstate Services.

A child shall not be discharged from the Title IV-E program administered by the State of New Jersey until the tribal authority has assumed responsibility for the child.

Transfer of responsibility for a child's care and placement to a tribal authority under this policy shall not render a child ineligible to receive benefits under the Title IV-E program administered by the State of New Jersey upon discharge from the program administered by the tribal authority, if the child would continue to be eligible but for the transfer.